IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3884 OF 2004

Rama Petro Chemicals Limited ... Petitioner

V/s.

Rama Petro Chemicals Limited
Union & Anr. ... Respondents

Mr.P.M. Palshikar for Petitioner
Ms.Gayatri Singh a/w Ms.Apoorva Kaiwar for Respondent No.1

CORAM: **SMT.NISHITA MHATRE, J.**

DATED: **AUGUST 2, 2004**

P.C.:

. The order challenged in this Writ Petition is of the Industrial Court dated 20.2.2004 recording that despite cancellation of the registration of the respondent-Union under the Trade Unions Act, 1926, they could continue to prosecute the complaint filed by them under the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971. This reasoning of the Industrial Court does not stand scrutiny.

2. A Union can be recognised under the MRTU & PULP Act only if it is a registered trade union under the Trade Unions Act, 1926. "Union" has been defined under section 3(17) of the MRTU & PULP Act, 1971 as a trade

union of employees, which is registered under the Trade Unions Act, 1926. Obviously, therefore, a Union which seeks recognition by filing an application under section 11 and is so recognised under the Act as the recognised union in respect of that particular concern means a union which is a registered union under the Trade Unions Act. There is no dispute that the registration of this union was cancelled on 16.9.2003. Review Application filed by the union before the Registrar of trade unions was also dismissed on 13.11.2003. The appeal filed by the Union before the Industrial Court has met with the same fate. In view of this, the status of the trade union being a registered union cannot be accepted. The complaint, therefore, filed by a union which has lost its registration, is not maintainable. The order of the Industrial Court must therefore, be set aside. The complaint is, accordingly, dismissed as not maintainable in view of the cancellation of the registration of the trade union under the Trade Unions Act, 1926.

3. However, this will not preclude the individual employees from filing a complaint raising the same grievance as is raised complaint (ULP) No.304 of 2000. The objections, if any, raised by the Petitioner herein to the maintainability of such a complaint will be decided by the Industrial Court on the basis of the pleadings before it. However, it is made clear that a

complaint if filed by an individual workmen raising the same issues as are raised in Complaint (ULP) No.304 of 2000 cannot be rejected only on the ground that the earlier complaint filed by the Union was dismissed because its registration was cancelled.

4. Petition rejected.